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May 9, 2005

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to parts of Sections 103(2), page 3; 205(1), page 5; 208(7), page 10; 209(7), page 11; 223(2), pages 19-20; 305(1)(a), page 29; 305(1)(e), page 30; 305(11), page 32; 605, page 49; and 607, page 50 of Engrossed Substitute Senate Bill 6091 entitled:

“AN ACT Relating to transportation funding and appropriations.”

My reasons for vetoing the above-noted sections are as follows:

**Section 103(2), page 3, State Parks and Recreation Commission – All-Terrain Vehicle Study**

This proviso mandates an extensive study on the existing requirements regarding all-terrain vehicles, their operators, equipment and rules. The Parks and Recreation Commission does not have the expertise or experience to perform this study, and no funding was provided to carry out this mandate.

**Section 205(1), page 5, Joint Transportation Committee – Transportation Governance**

Through language in this bill section, the Legislature has tasked the newly created Joint Transportation Committee to conduct a unilateral study of the appropriate functions of the Department of Transportation (Department) and the Transportation Commission (Commission). Now that the Department is a cabinet level agency, it is critical that the executive branch exercise its responsibility for reviewing the powers, functions, roles and duties of the Department and the Commission.

The Legislature passed several bills this session that redefine the roles of the Department and the Commission, and the relationship of those agencies to the Legislature. I am directing my staff to work with the Department and the Commission to examine the statutory roles and duties of the agencies, including transportation innovative partnerships, and report back to me with any recommendations for change. I invite the chairs and ranking members of the House and Senate

Transportation Committees and the Joint Transportation Committee to join the executive branch in this analysis with the hope that a joint recommendation can be submitted for consideration during the 2006 legislative session.

**Section 208(7), page 10, Washington State Patrol Field Operations Bureau – Ferry Security**

This proviso imposes a maximum dollar amount on Washington State Patrol expenditures for activities related to ferry security.

Since 2001, the Patrol has increased security for state ferries in response to requirements set by the U.S. Coast Guard. The federal government determines the level of security that must be provided at any point in time by increasing or decreasing national threat level indicators. Limiting ferry security expenditures could prevent the Patrol from responding to federal mandates outside its control.

Although I am vetoing this proviso, I will direct the Patrol to prepare its 2005-07 spending plan using the dollar amounts identified, with any deviation from that plan subject to approval by the Office of Financial Management. In addition, the Patrol will continue to explore options to provide security to the state ferry system in the most cost-effective manner without compromising public safety or the efficiency of this vital segment of the state's transportation system.

**Section 209(7), page 11, Washington State Patrol Technical Services Bureau – Ferry Security**

Section 209(7) contains the same language limiting expenditures for ferry security as appears in Section 208(7). In order to ensure the spending flexibility necessary for ferry security, I am also vetoing this section.

**Section 223(2), pages 19-20, Department of Transportation – Implementation of ESHB 2157 and SB 6089**

This section makes funding contingent on two bills, Engrossed Substitute House Bill 2157 and Senate Bill 6089, that did not pass during the 2005 legislative session. Therefore I am vetoing this section.

**Section 305(1)(a), page 29, Department of Transportation – Acquisition Plan**

Section 305(1)(a) provides funding for acquisition of right-of-way for State Route 502, and directs the Department of Transportation to develop an acquisition plan in conjunction with the city of Battleground. Because none of the project funds can be spent before the plan is agreed to, the Department will not have funding for the cooperative planning effort. Vetoing the proviso allows other funds in Section 305 to be used for initial planning with the city. I have directed the Department to collaborate with Battleground on an acquisition plan to submit for legislative consideration in 2006.

**Section 305 (1)(e), page 30, Department of Transportation – Freight Corridor Study**

A six-year study of the Eastern Washington Freight Corridor (Strategic Freight Transportation Analysis) was completed jointly by the Department of Transportation and Washington State University in 1998. This information was updated in 2004. Since this data has already been collected, there is no reason to perform the study mandated in the budget bill. I am asking the Department to provide a copy of this report to the House and Senate Transportation Committees.

**Section 305(11), page 32, Department of Transportation – Removal of Median Barriers**

Motorist safety barriers were installed in 2004 to prevent left turns across the highway and reduce the high level of accidents on South Kent Des Moines Road. After the project was completed, the average total collisions per year on this section of State Route 516 declined by 40 percent, injury collisions declined by 45 percent, and driveway and rear-end collisions declined by 58 percent. The City of Kent is currently planning to allow U-turns at Highway 99 to provide access to 30<sup>th</sup> Avenue South. For safety reasons, I am vetoing the mandate to remove the existing median barriers. I will direct the Department of Transportation to continue working with local government, local businesses and state legislators to develop a solution that maintains safety and improves access.

**Section 605, page 49, Department of Transportation – Middle Management Staff Reduction Mandates**

The legislative budget includes the middle management cuts that I proposed in my budget, but adds proviso language in Section 605 that limits the Department's discretion in implementing these cuts. Although I agree with the priorities assumed by the Legislature, I believe these additional restrictions represent an unnecessary intrusion into the administrative authority of the Governor, and I am vetoing this language. The actual cut to FTEs and dollars for middle-management positions remains in the budget and is not affected by this veto.

**Section 607, page 50, Department of Transportation – Government Accounting Standards Board Compliance**

This proviso directs the Department of Transportation to implement the Government Accounting Standards Board (GASB) statement 34 as it relates to asset valuation of the state's highway system. The proviso also requires the department to report additional information beyond what is required by GASB accounting standards. Since the state has already complied with GASB statement 34 for highway assets, I believe this part of the proviso is unnecessary. I am vetoing this section, and directing the Department to work with the Office of Financial Management and interested state legislators to determine if additional financial information has sufficient benefit before we commit to what could be a substantial cost and workload to exceed GASB standards.

**Local Freight Projects**

Although I am not vetoing section 310(8) relating to funding for freight projects, I do have concerns about the budget's approach to these allocations. Traditionally, this federal funding has been distributed using a collaborative decision process that involved the executive branch, local governments, and legislators. This approach has proved successful in addressing mutual priorities for critical freight projects, and I would prefer to use this mechanism for allocation of the remaining flexible federal funds.

With the exception of those portions of Sections 103(2), page 3; 205(1), page 5; 208(7), page 10; 209(7), page 11; 223(2), pages 19-20; 305(1)(a), page 29; 305 (1)(e), page 30; 305(11), page 32; 605, page 49; and 607, page 50 as specified above, Engrossed Substitute Senate Bill 6091 is approved.

Respectfully submitted,

/s/

Christine O. Gregoire  
Governor